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AG-SEEDS UNLIMITED

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
(SACRAMENTO DIVISION)

In re:	)	CASE NO. 15-29136
	)	Chapter 12
P&M SAMRA LAND	)	DCN: MAS-10
INVESTMENTS, LLC,	)	
	)	<b>MOTION TO DISMISS CASE BASED ON</b>
Debtor.	)	<b>DEFAULT UNDER CONFIRMED PLAN</b>
	)	
	)	Date: February 5, 2018
	)	Time: 10:00 a.m.
	)	Dept: A

Creditor Ag-Seeds Unlimited (“Ag-Seeds”) hereby moves to dismiss this case based on a default under the confirmed plan pursuant to 11 U.S.C. § 1208(c)(6). There has been a material default under the confirmed plan such that dismissal is appropriate.

Per the accompanying declaration of Mark A. Serlin, under the terms of the confirmed Chapter 12 plan, a payment in the amount of \$30,000.00 was due to Ag-Seeds not later than December 15, 2017. That payment was not made, and despite having received written notice of such default, the debtor has failed and refused to cure the default. As such, there has been a material breach by the debtor with respect to its confirmed plan and dismissal is therefore appropriate under 11 U.S.C. § 1208(c)(6).

DATED: December 29, 2017	SERLIN & WHITEFORD, LLP
	By: <u>/s/ Mark A. Serlin</u>
	MARK A. SERLIN, Attorneys for Creditor